

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 11 12 13 14 15	VILMA SERRALTA, Plaintiff, v. SAKHAWAT KHAN; ROOMY KHAN; and DOES ONE through TEN inclusive, Defendants.	No. C 08-1427 CW ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' COUNSEL'S MOTION FOR LEAVE TO WITHDRAW (Docket No. 101)
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Defendants' counsel has moved for leave to withdraw on the basis that its relationship with Defendants has deteriorated to such a degree that it can no longer represent them. It is not clear from the submissions whether Defendants oppose their attorneys' motion. However, Plaintiff opposes the motion on the basis that there are unresolved discovery disputes and permitting counsel to withdraw at this time would prejudice her ability to obtain the discovery needed to prosecute her case effectively.

The Court, having considered all of the papers submitted, DENIES Defendants' counsel's motion without prejudice to refile a properly noticed motion under Civil Local Rule 7-2 after the parties have resolved any outstanding discovery disputes. Counsel

1 must serve any motion papers on Defendants and must include in the
2 notice of motion specific instructions to Defendants as to how and
3 when to submit an opposition or statement of non-opposition.
4 Counsel should also serve on Defendants a copy of Rule 3-700(C) of
5 the California Rules of Professional Conduct, which specifies the
6 circumstances under which withdrawal may be permitted. Counsel
7 may, if it wishes, submit material for in camera review in
8 connection with any future motion for leave to withdraw, but must
9 obtain leave to file such material under seal pursuant to Civil
10 Local Rule 79-5.

11 Withdrawal will be allowed only if all discovery is resolved
12 and Defendants concurrently substitute themselves in pro per or
13 appear through new counsel, or if all discovery is resolved and
14 counsel makes an adequate showing that withdrawal is appropriate
15 under Rule 3-700(C).

16 IT IS SO ORDERED.

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18 Dated: 5/29/09



CLAUDIA WILKEN
United States District Judge